

335
BILL NO. G-88- 04-14

GENERAL ORDINANCE NO. G- Withdrew

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating a utility easement thereof.

WHEREAS, a petition to vacate a utility easement within
the City of Fort Wayne (as more specifically described
below) was duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing
thereon; and

WHEREAS, said Commission has duly forwarded its
recommendation to this body approving said petition, all in
accordance with I.C. 36-7-4-512(2) and this body having held
a public hearing on said vacation as provided in I.C. 36-7-
4-12; and

WHEREAS, this body concurs in the recommendation of the
City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a
utility easement within the City of Fort Wayne, more
specifically described as follows, to-wit:

The North seven (7) feet of Lot #89 except the
West seven (7) feet in North Sherwood Terrace
Addition.

and which vacating amends the Thoroughfare Plan of the City
Comprehensive ("Master") Plan and is hereby approved in all
respects.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage, any and all necessary
approval by the Mayor.

Janet G. Bradbury
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

** Public hearing to be held on _____,
the _____ day of _____, 1988,
in the Council Chambers.

Sandra E. Kennedy, City Clerk

FOX RIVER BOND
25% COTTON

Read the first time in full and on motion by Bradbury, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 4-12-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____	_____
<u>LONG</u>	_____	_____	_____	_____	_____
<u>REDD</u>	_____	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: _____

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. _____ on the _____ day of _____, 19____,

ATTEST:

SEAL

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

PAUL HELMKE, MAYOR

RECEIPT

No 2766

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., March 17 19 88

RECEIVED FROM J. Allen Diamond \$ 100.00

THE SUM OF One Hundred dollars and no/100 DOLLARS

ON ACCOUNT OF Variety of utility essent.
6103 Beumont Ave

W. O. J.
AUTHORIZED SIGNATURE

PETITION TO VACATE: PORTION OF DEDICATED UTILITY EASEMENT

TO: THE CITY PLAN COMMISSION CITY OF FORT WAYNE, INDIANA

THE UNDERSIGNED PETITIONERS DO HEREBY RESPECTFULLY PETITION THE FORT WAYNE CITY PLAN COMMISSION TO VACATE THE FOLLOWING PORTION OF DEDICATED UTILITY EASEMENT WITHIN THE CITY OF FORT WAYNE, INDIANA, AND DESCRIBED AS FOLLOWS: NORTH SEVEN (7) FEET OF LOT #89 EXCEPT THE WEST SEVEN (7) FEET IN NORTH SHERWOOD TERRACE ADDITION.

IN SUPPORT THEREOF, YOUR PETITIONERS WOULD REPRESENT AS FOLLOWS;

1. THAT THEY ARE THE ONLY OWNERS OF THE REAL ESTATE BORDERING BOTH SIDES OF THE EASEMENT.
2. THAT THE EASEMENT IS NOT NECESSARY AS INGRESS OR EGRESS TO OTHER PROPERTIES WHATSOEVER.
3. THAT NO OTHER PERSON, FIRM, OR CORPORATION IS INTERESTED IN OR AFFECTED BY THE REQUESTED VACATION.

YOUR PETITIONERS FILE THIS PETITION PURSUANT TO THE AUTHORITY GRANTED IN INDIANA CODE SECTION 36-7-4-512 IN ORDER TO COMPLETE THE VACATION AS ABOVE DESCRIBED.

WHEREFORE, YOUR PETITIONERS PRAY THAT THE ABOVE DESCRIBED EASEMENT BE VACATED ACCORDING TO THE PROVISIONS OF THE INDIANA LAW PERTAINING THERETO

DATED THIS 17th DAY OF MARCH 19 88

PETITIONERS SIGNATURE

PETITIONERS SIGNATURE

AGENT SIGNATURE

Maile Diamond
John C. Diamond
no agent involved

PETITIONERS PHONE NO. 484-2898

David M. Anderson

REGISTERED PROFESSIONAL ENGINEER (IND. NO. 17718)

REGISTERED LAND SURVEYOR (IND. NO. S0402)

FORT WAYNE, INDIANA



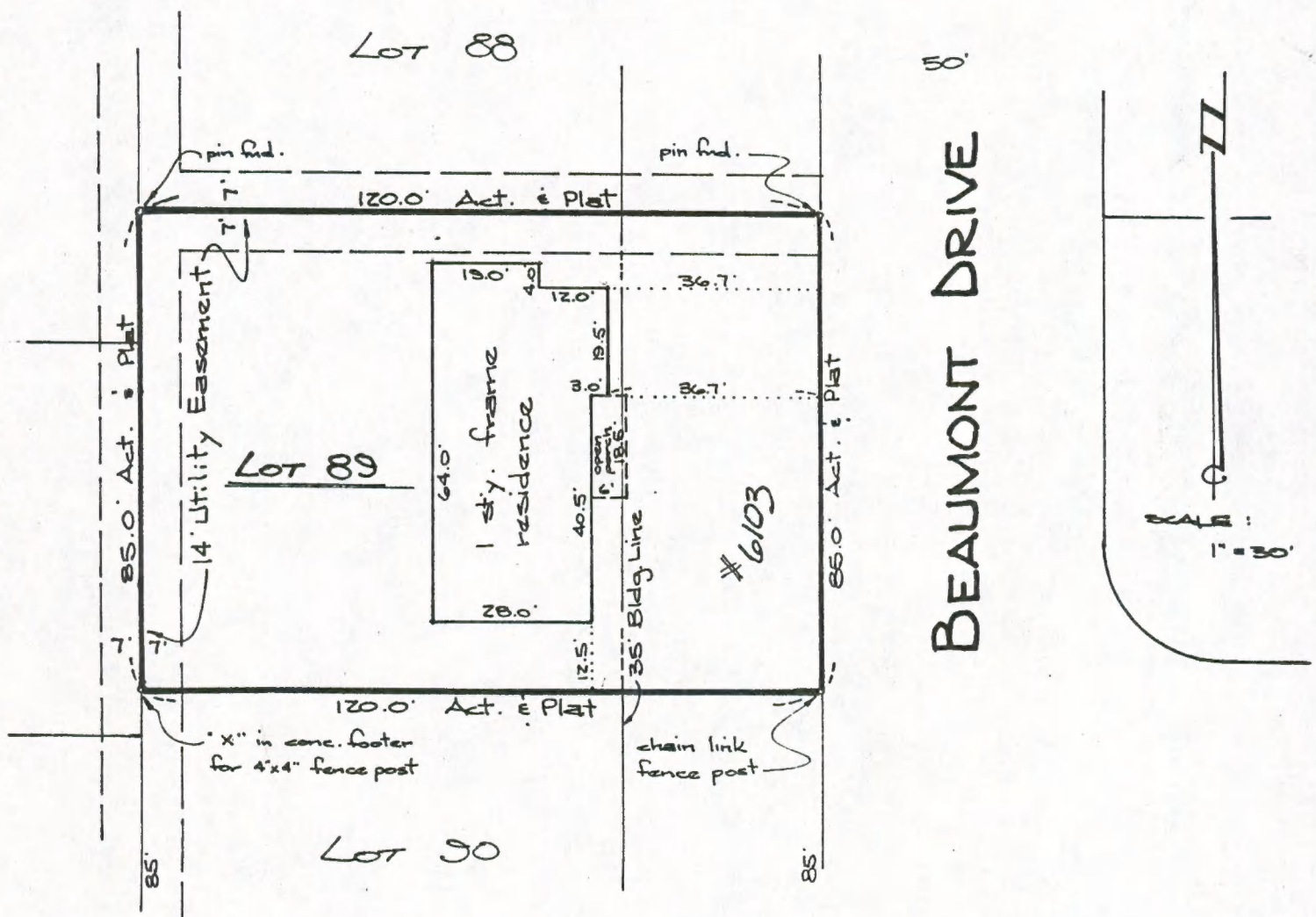
CERTIFICATE OF SURVEY

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's Office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

DESCRIPTION OF REAL ESTATE

Lot #89 in North Sherwood Terrace Addition, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.

This property is not in a flood plain as defined by the December 1974 U.S. Army Corps of Engineers Technical Flood Plain Summary Report.



I hereby certify on the 25th day of NOVEMBER, 1987, that the above survey is correct.

Surveyed for: EDGINGTON/ DIAMOND

Survey No.: AR-126

[Signature]



①

200002

Book 24 Page 30-31

NORTH

SHERWOOD

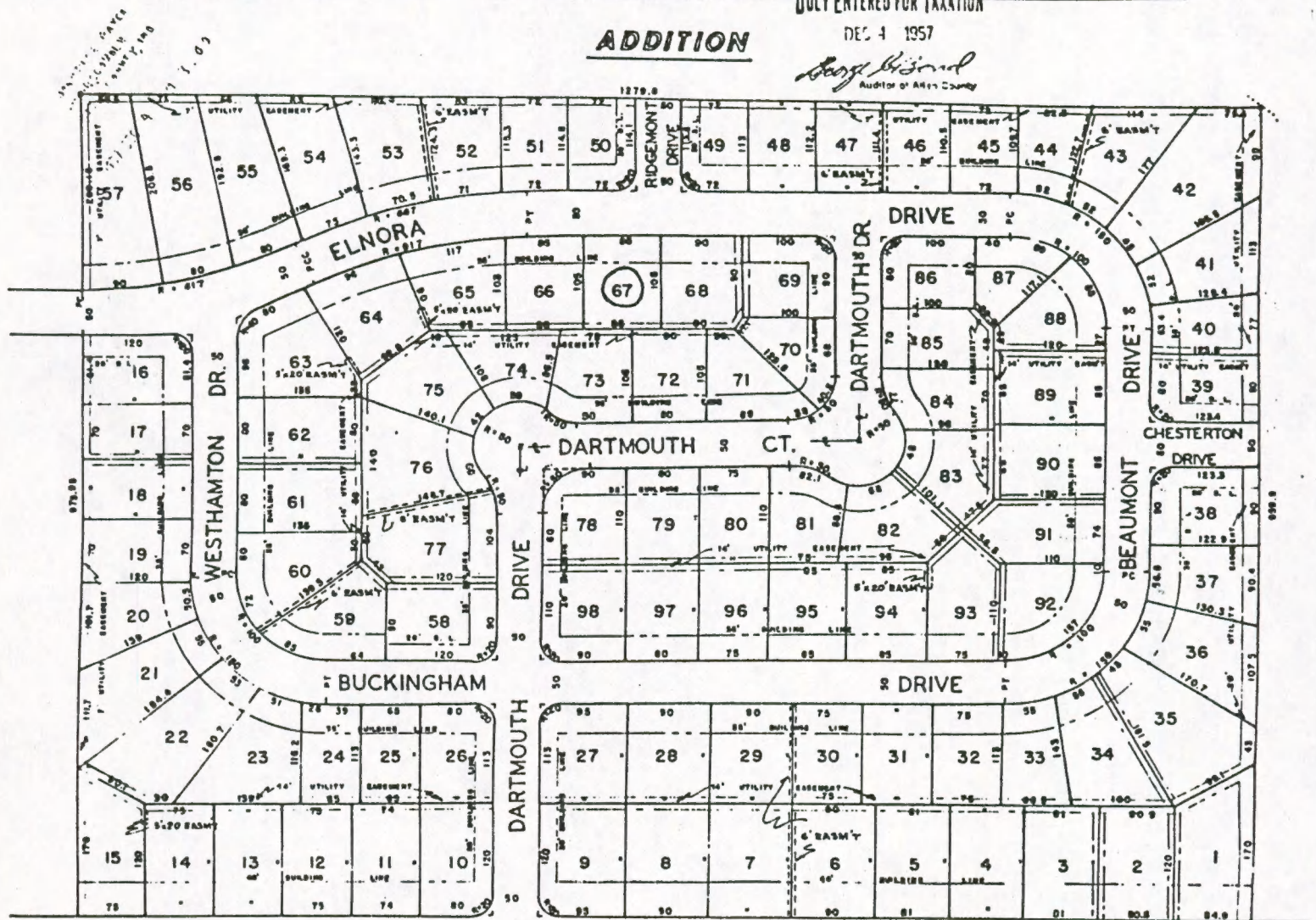
TERRACE

DULY ENTERED FOR TAXATION

ADDITION

DEC 4 1957

George H. Bond
Auditor of Allen County



WASHINGTON

CENTER

ROAD



SCALE 1" = 100'

NORTH SHERWOOD TERRACE ADDITION

Being a part of the Southeast quarter of the Southwest quarter of Section 13 in Township 31 North, Range 12 East, Allen County, Indiana; more particularly described as follows, to wit: beginning at the Southwest corner of the Southeast quarter of the Southwest quarter of said Section 13, thence East on the South line thereof a distance of 1277.4 feet to the Southeast corner thereof, thence North on the East line of the Southeast quarter of the Southwest quarter of said Section 13 a distance of 959.9 feet, thence West, making an interior angle of 90 degrees, 20 minutes a distance of 1279.8 feet to the West line of the Southeast quarter of the Southwest quarter of said Section 13, thence South on the West line thereof a distance of 975.95 feet to the place of beginning, containing 24.34 acres of land.

The lots are numbered from 1 to 98 both inclusive and the dimensions are marked in feet on the plat. Surveyed and platted into lots, streets and easements this 21st day of March, 1957, and I hereby certify this plat and survey of same to be correct.

L. H. Korn
C. Ross Lindeuth
Registered Engineer No. 273

(See Item #33)

Recorded December 4, 1957 at 3:09 P. M.

Plat Record 24 pages 30

#336

ORIGINAL

ORIGINAL

DIGEST SHEET

G-88-04-14

TITLE OF ORDINANCE Utility Easement Vacation

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 7 foot Utility Easement running along the North
property line of Lot 89 in North Sherwood Terrace.

EFFECT OF PASSAGE Property is presently a dedicated utility easement.
Property will be vacated and revert to the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain a dedicated utility easement.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

FACT. SHEET

G-88-04-14

**Division of Community
Development & Planning****BILL NUMBER****BRIEF TITLE****APPROVAL DEADLINE****REASON**

Utility Easement Vacation

DETAILS**Specific Location and/or Address**

7' utility easement running along the north property line at 6103 Beaumont Drive

Reason for Project

To allow petitioner to extend existing garage.

Discussion (Including relationship to other Council actions)

18 April 1988 - Public Hearing

John Diamond, petitioner and property owner stated that he was requesting the vacation or a portion of it to allow him to extend his attached garage on the north side of his home. He stated that there are no underground utilities in the easement only overhead wires. He stated that the lines are not in his way and the addition would not interfere with them. He felt that he could coexist with the overhead wires. He stated that he would request a vacation the depth of his home be granted to allow for the addition to the garage.

There was no one present who wished to speak in favor of or in opposition to the proposed vacation.

25 April 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried.

Of the six (6) members present 5 voted in favor of the motion one (1) did not vote.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

John Diamond

City Department

Other

Opponents**Groups or Individuals****Basis of Opposition****Staff
Recommendation**☐ For ☒ Against**Reason Against**

easement is needed for utility service

**Board or
Commission
Recommendation****By**☐ For ☒ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/ PROGRAM IMPACT

Policy or
Program
Change

☐ No

☐ Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 17 March 1988

Projected Completion or Occupancy

Date 26 April 1988

Fact Sheet Prepared by

Patricia Biancaniello

Reviewed by

Date 26 April 1988

Date

5/4/88

Reference or Case Number

Greg Burton

*held for
6/14*

BILL NO. G-88-04-14

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare
Plan of the City Comprehensive ("Master") Plan by vacating
a utility easement thereof

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~) Be Withdrawn -

YES

NO

_____	JANET G. BRADBURY	_____
_____	CHAIRPERSON	_____
_____	MARK E. GIAQUINTA	_____
_____	VICE CHAIRMAN	_____
_____	CHARLES B. REDD	_____
_____	DAVID C. LONG	_____
_____	PAUL M. BURNS	_____

CONCURRED IN _____

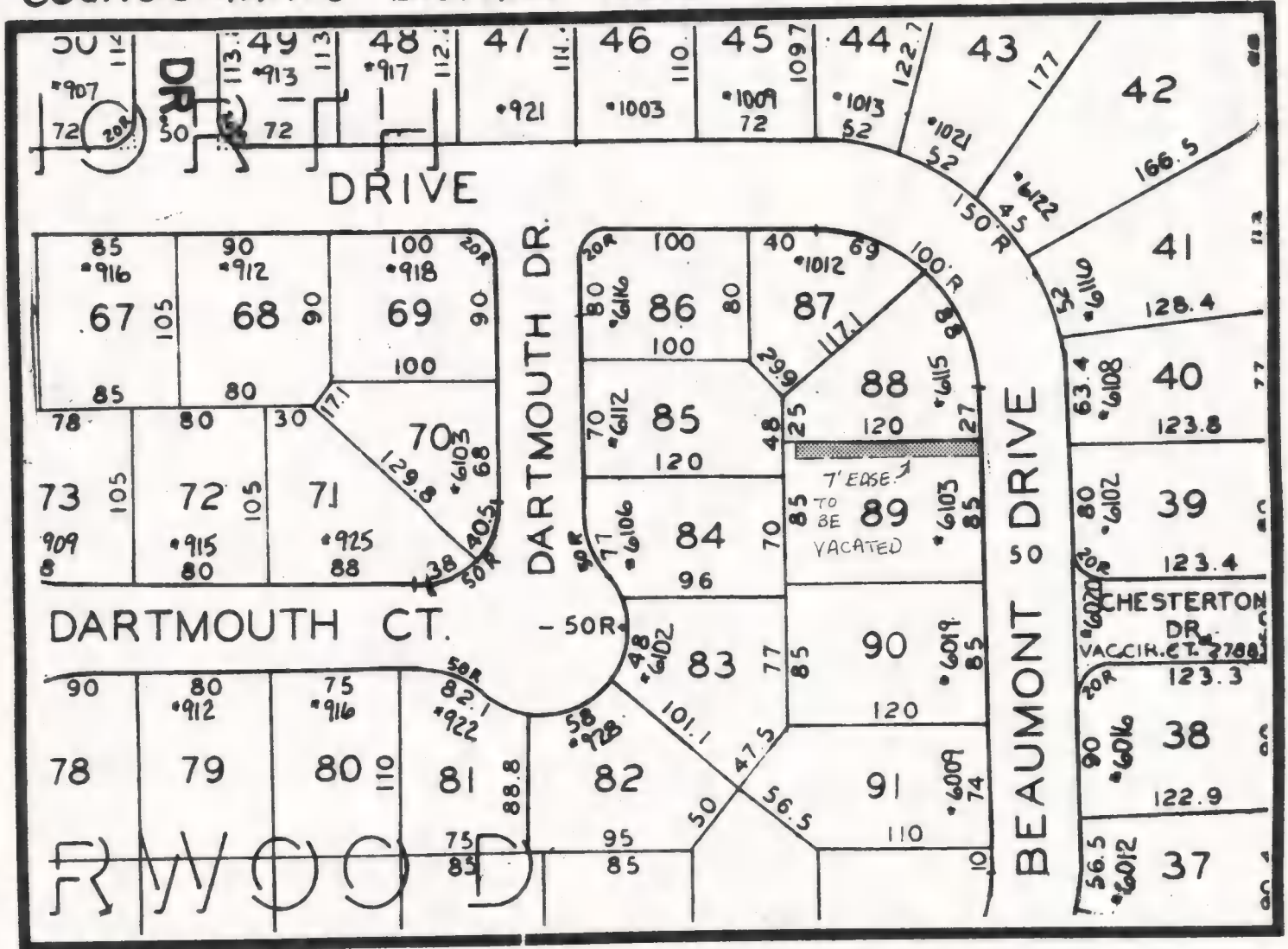
Sandra E. Kennedy
City Clerk

VACATION PETITION # 533

A PETITION TO VACATE THE DESCRIBED PUBLIC EASEMENT.

MAP NO. N-38

COUNCILMANIC DISTRICT NO. 3



ZONING:

LAND USE:

SCALE: 1" = 100'

DATE: 3-29-88





THE CITY OF FORT WAYNE

May 11, 1988

John Diamond
6020 Beaumont Drive
Fort Wayne, Indiana 46825

Dear Mr. Diamond:

NOTICE OF PUBLIC HEARING ON BILL NO. G-88-04-14

You are hereby notified that the Common Council of Fort Wayne, will conduct a public hearing on Tuesday, May 24, 1988, at 7:00 P.M., E.S.T. in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

The North seven (7) feet of Lot #89
except the West seven (7) feet in North
Sherwood Terrace Addition

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Fort Wayne Common Council

Sandra E. Kennedy
City Clerk

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-88-04-14)

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7" utility easement running along the north property line at 6103 Beaumont Drive. To allow petitioner to extend existing garage. Property is presently a dedicated utility easement. Property will be vacated and revert to the adjacent property owners.

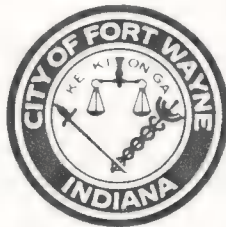
The North seven (7) feet of Lot #89 except the
West seven (7) feet in North Serwood Terrace
Addition.

All interested parties are invited to appear and be heard.

Fort Wayne Common Council

A handwritten signature in cursive script, appearing to read "Sandra E. Kennedy".

Sandra E. Kennedy
City Clerk



THE CITY OF FORT WAYNE

May 10, 1988

Ms. Marilyn Romine
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Romine:

Please give the attached full coverage on the date of May 14, 1988, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common
Council of Fort Wayne, IN

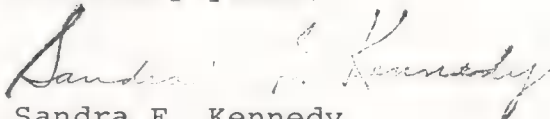
Bill No. G-88-04-13
Vacating a street

Bill No. G-88-04-14
Vacating a utility easement

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,


Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 2

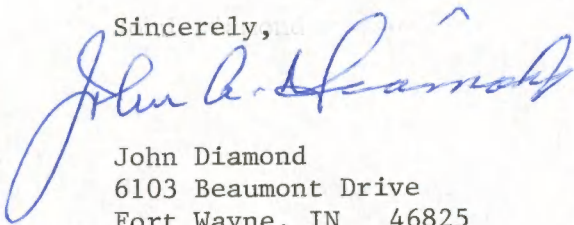
9 June 1988

The Common Council of the
City of Fort Wayne
One Main Street
City-County Building
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Please accept this as my formal request to withdraw Ordinance No. G-88-04-14.
This petition was a request to vacate a 7' utility easement at 6103 Beaumont
Drive.

Sincerely,



John Diamond
6103 Beaumont Drive
Fort Wayne, IN 46825

Power Company
One Summit Square
P.O. Box 60
Fort Wayne, IN 46801
219 425 2111



Mr. John Diamond
6020 Beaumont Drive
Fort Wayne, Indiana 46825

April 22, 1988

Re: 50' x 4.5' encroachment on 7' platted utility easement, Lot 89,
North Sherwood Terrace Addition

Dear Mr. Diamond:

This is in response to your request to install a new addition near our electric lines on the aforementioned property. Our engineers have reviewed the plans and have determined that it will not interfere with our existing electrical lines. The height of the new addition should not exceed the height of the existing structure.

Our lines are built in accordance with the National Electric Safety Code and our own AEP standards. Indiana Michigan Power Company will consent to this construction as long as it is constructed according to the provided plans and that it complies with all appropriate codes. Special care must be taken when working near utilities, and we request that a minimum clearance of 10 feet from our lines be maintained during construction.

While your proposal appears to meet the NESC and our own requirements, we believe it is our responsibility to inform you that under stormy and adverse weather conditions, your proposal may constitute a hazard to our lines and facilities. Compliance with these requirements would not serve to excuse any responsibility you may have for loss or injury occasioned by the existence of your facilities near our electric lines.

If you have any questions concerning this matter, please feel free to contact us at any time.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Karen A. Osterholt'.

Karen A. Osterholt
Right-of-Way Agent

KAO/kaos

c: C. Rhoades
T. Durnell

Fort Wayne Common Council

(Governmental Unit)

To: The Journal-Gazette Dr.

P.O. Box 100

Fort Wayne, IN

Allen

County, Indiana

PUBLISHER'S CLAIM**LINE COUNT**Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

316322**COMPUTATION OF CHARGES**22 lines, 1 columns wide equals 22 equivalent lines
at .330 cents per line\$ 7.26Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

2.00**TOTAL AMOUNT OF CLAIM**\$ 9.26**DATA FOR COMPUTING COST**Width of single column 12.5 emsNumber of insertions 1Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: May 14, 19 88Title: Clerk**PUBLISHER'S AFFIDAVIT**

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Trudy Sterling who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time _____, the dates of publication being as follows:

5/14/88Subscribed and sworn to before me this 14th day of May, 19 88.Shelley R. LaRue
Notary PublicMy commission expires: March 3, 1990**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-88-04-14)**

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All interested parties are invited to appear and be heard.

Fort Wayne Common Council.
Sandra E. Kennedy
City Clerk

Fort Wayne Common Council
(Governmental Unit)To: The News-Sentinel Dr.
P.O. Box 100
Fort Wayne, INAllen County, Indiana

PUBLISHER'S CLAIM

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PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
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Notary Public

Shelley R. LaRue

My commission expires: March 3, 1990NOTICE OF PUBLIC HEARING
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(BILL NO. G-88-04-14)

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Sandra E. Kennedy
City Clerk